

### **AMENDMENTS TO THE CLAIMS**

Please replace all previous versions of the claims with the following listing:

1. (Previously presented) A linear actuator comprising:
  - a shaft having a male thread portion;
  - a worm gear speed reducer for reducing rotation of a motor in speed and transmitting the rotation to the shaft;
  - a female thread member which is threadedly engaged with the male thread portion and which moves forward and backward by normal or reverse rotation of the shaft;
  - a moving cylinder which is fixed to the female thread member and which moves forward and backward with respect to a housing;
  - a position detection apparatus which is disposed in parallel to the shaft; and
  - means for adjustably mounting the position detection apparatus to the housing, whereby the position detection apparatus is movable in a direction of the moving cylinder and allows detection of a position of the moving cylinder in the housing to be adjusted.
2. (Previously presented) The linear actuator according to claim 1, wherein the position detection apparatus comprises a potentiometer which converts the rotation amount of the shaft into a voltage value.
3. (Previously presented) The linear actuator according to claim 2, wherein a driven gear is mounted on a sensor shaft of the potentiometer, the driven gear is meshed with a pinion which rotates in unison with the shaft, and the potentiometer can move in an axial direction of the moving cylinder.
4. (Previously presented) The linear actuator according to claim 5, wherein the position detection apparatus comprises a potentiometer which converts the rotation amount of the shaft into a voltage value, and the potentiometer can slide in an axial direction of the moving cylinder.

5. (Currently Amended) [[A]] ~~The linear actuator comprising:~~  
——— ~~a shaft having a male thread portion;~~  
——— ~~a worm gear speed reducer for reducing rotation of a motor in speed and transmitting the rotation to the shaft;~~  
——— ~~a female thread member which is threadedly engaged with the male thread portion and which moves forward and backward by normal or reverse rotation of the shaft;~~  
——— ~~a moving cylinder which is fixed to the female thread member and which moves forward and backward with respect to a housing; and according to claim 1, wherein a the position detection apparatus which is disposed in parallel to the shaft and detects a position of the moving cylinder, wherein and the means for adjustably mounting the position detection apparatus to the housing is such that the position detection apparatus includes a guide pin slidably mated with a guide groove formed in the housing, and the position of the moving cylinder in the housing detected by the position detection apparatus can be adjusted in a direction of the moving cylinder.~~

### REMARKS

This Amendment and Response are made in reply to the Final Office Action dated February 2, 2009, in which:

Claims 1-5 were rejected under 35 USC § 102(b) as anticipated by Katsumi (JP 09-190225).

Applicants respectfully traverse the rejections below. Claim 5 is amended to depend from claim 1. No new matter is added, and no additional search is required. Claims 1-5 are pending.

Claims 1-5 were rejected under 35 USC § 102(b) as anticipated by Katsumi (JP 09-190225).

An anticipation rejection is improper unless a single prior art reference identically shows or discloses each and every claim recitation. See *In re Bond*, 910 F.2d 831 (1990).

Claim 1 specifically recites a position detection apparatus and means for adjustably mounting the position detection apparatus to a housing.

Katsumi fails to show or disclose means for adjustably mounting a position detection apparatus to a housing.

Examiner reads Katsumi as disclosing a position detection apparatus (51) and means (44, 45, 51b, 52) for adjustably mounting the position detection apparatus to a housing (10, 43). (See Final Office Action, page 2). Applicants respectfully submit that Katsumi's Drawings contradict Examiner's reading of Katsumi's text.

Katsumi's Drawings 2, 6, and 7 clarify that Katsumi's mobile element 51, by itself, is not a position detection apparatus because the mobile element 51 provides no indication of position. Instead, Katsumi's entire activation point sensing device 40 is an apparatus for detecting the position of Katsumi's mobile element 51. At most, the mobile element 51 is only one component of Katsumi's activation point sensing device 40, which as a whole is firmly attached and fixed to Katsumi's frame 43 – for example, by ultrasonic welding. (See Katsumi, paragraphs 29 and 36).